

Legislative Analysis



COMPULSORY ATTENDANCE UNTIL 18; UNLESS A PARENT CONSENTS TO DROPPING OUT AT 16

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4030 (Substitute H-2)
Sponsor: Rep. Douglas Geiss

House Bill 4132 (Substitute H-2)
Sponsor: Rep. LaMar Lemmons, Jr.
Committee: Education

First Analysis (2-13-09)

BRIEF SUMMARY: The bills would require students to attend school until their 18th birthday if they turned 14 years of age on or after December 1, 2007 or were 14 years of age before that date and entered Grade 9 in 2008 or later. The requirement would not apply if a student had written permission from parents or guardians to stop attending school.

FISCAL IMPACT: Raising the compulsory school attendance age from 16 to 18 would create additional costs for the state and school districts. If all students actually remain in school until age 18, it could raise pupil memberships by approximately 30,000 statewide. At the current per pupil weighted foundation allowance of \$7,668, the bill could cost \$230.0 million annually.

THE APPARENT PROBLEM:

A report entitled *The Case for Reform: Raising the Compulsory School Attendance Age*, published by Civic Enterprises, with support from the Bill & Melinda Gates Foundation and others, notes that "today's globally competitive economy requires at least a high school diploma and often additional education and training to provide the knowledge and skills needed for the 21st century."

Despite the need for higher levels of education, the report argues that the "United States has a dropout epidemic. Almost one-third of all public high school students—and one-half of African Americans, Hispanics, and Native Americans—fail to graduate from high school with their class."

Schools report varied dropout rates. For example, in the Detroit News "Special Report: Crisis in the Classroom" (a week-long series of reports beginning May 29, 2005), investigators calculated graduation rates (based on estimates from both the Manhattan Institute and the Urban Institute) for every school in Livingston, Macomb, Oakland, and Wayne counties, and then compared those rates to the official rates reported by metro Detroit schools. Graduation rates varied a great deal between districts within a county. For example, in Oakland County, the average completion rate was 51 percent in Pontiac and 59 percent in Hazel Park; in contrast, the completion rate was 92.7 percent in Royal Oak and 95.9 percent in Troy.

Further, graduation rates reported for each school district by also varied. For the same schools, the official graduation rates (reported by the school) compared with the two institutes' estimates were as follows: Pontiac: 77.3 percent vs. 44.8 percent and 57.2 percent; Hazel Park: 90.8 percent vs. 51.7 percent and 66.3 percent; Royal Oak: 100 percent vs. 95.2 percent and 90.1 percent; and Troy: 97.5 percent vs. 96.8 percent and 95 percent. In every instance, school officials underreported their number of drop-outs, some by a significant number of students.

To better understand why students drop out of school before graduating, the Michigan Dropout Prevention Leadership Summit convened on October 20, 2008. Partners in the summit included the Michigan Education Association, Michigan's Children, the Michigan Association of Intermediate School Administrators, Michigan's Charter Schools, Kent Intermediate School District, and Michigan's Future, Inc. The group assessed the findings of 10 hearings held earlier throughout the state. To read more about the summit, visit <http://www.midropoutsummit.org>

Some observe that school dropout rates remain high because Michigan's compulsory school attendance law allows students to leave school on their 16th birthday. (The law was originally enacted in 1895, according to testimony. However, compulsory attendance was first proposed in Michigan in the 1830's by state school superintendent John D. Pierce, and then began in 1871 according to the North Central Regional Educational Laboratory headquartered in Chicago; it was the first such policy in the Midwestern states.) Many students make their decision to leave school unilaterally, absent parental or counseling guidance, and without knowing the decision's effects on their lifelong happiness and economic well-being. Over their lifetimes, economists calculate that female high school dropouts earn between \$120,000-\$244,000 less than female graduates, and male dropouts \$117,000-\$322,000 less than male graduates.

Currently, 23 states allow students to leave school on their 16th birthday; 17 states and the District of Columbia require students to stay until their 18th birthday; the others require school attendance until 17 years of age. Increasingly, state governors are urging that the school-leaving age be set at 18, taking into account the need for more schooling in today's world of work.

To impress upon Michigan students the importance of a high school education, legislation has been introduced to prohibit school leaving until a student reaches 18 years of age, and to require the written permission of their parents if they do otherwise.

THE CONTENT OF THE BILLS:

The bills would require students to attend school until their 18th birthday if they turned 14 years of age on or after December 1, 2007 or were 14 years of age before that date and entered Grade 9 in 2008 or later. The requirement would not apply if a student had written permission from parents or guardians to stop attending school. The bills are tie-barred so that neither could go into effect unless both were enacted. A more detailed explanation of each bill follows.

House Bill 4132 (H-2) would amend the Revised School Code (MCL 380.1561) to require that parents and guardians send children to school during the entire school year from the age of six until the child's 18th birthday. The bill specifies that this provision would not apply to students 16 years old or older whose parent or legal guardian provided school officials with a written notice that the student had permission to stop attending school.

The bill would retain current exceptions; for example, for students who have already graduated from high school and students educated privately or at home.

Children who turned 14 before December 1, 2007 or who entered Grade 9 before 2008 would have to stay in school until their 16th birthday, as is currently the law for all schoolchildren.

House Bill 4030 (H-2) would amend the Revised School Code (MCL 380.1596) to establish that same school-leaving policy (including written parental permission) in the section of the code that allows school districts to set up un-graded schools and alternative programs for students who are considered "juvenile disorderly persons." Under the code, these are children who, in the judgment of school authorities, are "habitually truant," "incorrigibly turbulent," "disobedient, and insubordinate," or who are "immoral in conduct." Further, "juvenile disorderly persons" can be children who are "not attending school and who habitually frequent streets and other public places having no lawful business, employment, or occupation."

ARGUMENTS:

For:

Public schools have long served two purposes in America: to prepare people for the world of work thus ensuring their economic well-being and also the economic prosperity of the country; and to ready people for the responsibilities of citizenship as active and enlightened leaders and electors in our participatory democracy. As these two overarching goals have evolved during the past 200 years, so too have the teaching, learning, assessment, and curricular policies embodied in public schools. For example, in the 1830's, rural Michigan students attended school for three months in the winter when the family farm did not need their work. Thirty years later, the urban school district in Detroit boasted the state's first high school. In the interim, industrialization vied with agriculture for properly prepared and motivated workers.

Proponents of raising the compulsory attendance age from 16 to 18 argue that the 16-year-old school-leaving laws in Michigan and across the United States are policies for a bygone era. In the report *Raising the Compulsory School Attendance Age: The Case for Reform* issued by Civic Enterprise with support from the Bill and Melinda Gates Foundation and others, the authors note that while "most states allow students to drop out before high school graduation (generally at age 16 or 17), most compulsory school attendance laws were enacted between 1870 and 1910, a time when fewer than 10 percent of 17 year olds graduated from high school. In an economy that was still significantly agrarian, a high school education was not a prerequisite to participating in the mainstream workforce. Fifty-two percent more Americans lived in rural than in urban areas in 1900.

One hundred years later, the situation had changed entirely, and nearly four times more Americans live in urban than in rural areas...Clearly times have changed, though state laws have not always kept up."

The report continues: "It is common knowledge that the U.S. economy needs college graduates. At a time when two-thirds of high-growth, high-wage jobs require a college degree and only one-third of Americans have college degrees, it makes little sense to us that state laws would continue to make it easy for students to avoid the prerequisite to college: a high school diploma."

For:

Those who favor the bill like its requirement that all students under age 18 would need their parents' written permission if they stopped going to school. Now students can drop-out at age 16 despite their parents' protests. Nonetheless, children remain the legal responsibility of their parents until they reach their age of majority, age 18. This legislation prohibits students from deciding, alone, to leave school. Instead, that life-altering decision must be made together with the adults who are responsible for their well-being.

For:

Proponents of the bill note that three years ago, the Michigan Legislature enacted a far more intellectually rigorous high school course of study—called the Michigan Merit Curriculum—in order to prepare Michigan graduates for the world of work and advanced study beyond high school. Meeting the challenges of that curriculum requires that students spend four (and sometimes more) years in high school in order to master the science, mathematics, social science, foreign language, and English language skills required before high school graduation. If a student is to succeed with these studies, dropping out before high school graduation is not an option.

For:

Proponents of raising the compulsory attendance age to 18 argue the new policy will keep students in high school longer, and better help to ensure their success. They point out that nationwide only about 70 percent of students earn their high school diplomas. Among minority students, about 58 percent of Hispanics, 53 percent of African American, and 49 percent of American Indian and Alaska Native students graduate with a regular diploma (compared to 76 percent of white students and 80 percent of Asian Americans). The gaps in achievement and graduation rates between groups of learners in the United States could be compressed, if students were required to stay in school and study longer.

For:

Proponents argue that taxpayers in Michigan pay a high price when students do not finish high school. In 2003, the Detroit News reported that 40 percent of Michigan residents who got cash welfare were dropouts, costing the state roughly \$156 million. And, about 70 percent of convicts who entered prison were dropouts; housing them for just one year was estimated to cost taxpayers \$200 million. Taxpayers are not only paying to house the prisoners, but also to give them the education they missed. In 2003, Michigan was paying \$12.6 million on GED and pre-GED programs in prisons and jails. According to

The Case for Reform, dropping out of school early also places a burden upon society as a whole. Annual public health costs for dropouts have been estimated at \$58 billion, and approximately \$10 billion could be saved each year in public assistance if all our students graduated from high school. A 10 percent increase in the high school completion rate would reduce the cost of crime by \$14 billion.

Those who support the bill point again to the Gates-sponsored report, *The Case for Reform*, to note "that the economic consequences of dropping out are dramatic. In the United States, high school graduates earn 43 percent more than individuals without high school diplomas, and college graduates earn more than 150 percent—one and a half times—more. Further, research has shown a 10 percent rise in earnings for people who simply stay in school one year longer. The unemployment rate among individuals who have not graduated from high school is 65 percent higher than for graduates, and three times higher than it is for college graduates. Clearly, dropping out of high school is often equivalent to choosing a life of financial hardship."

Against:

Opponents of the bill note that an estimated 20,000 students between the ages of 13 and 15 drop out of the Michigan school system each school year. Yet there is little or no enforcement of the current truancy law, since few schools employ truant officers. Further, opponents of raising the compulsory attendance age to 18 argue that the proposal, while well intended, is a premature action that will have little impact, since it does not address the issues which cause the dropout problem. For example, the Michigan Business Leaders for Education Excellence say that although the corporations they represent never employ students who drop out of school, they fear the bill will simply increase the legal dropout age without affecting dropout rates. They note that other action is necessary before such a step is taken.

The group recommends that the state initiate programs that assign "graduation coaches" to work with each student at risk of dropping out; create a more extensive system of optional vocational and technical training for 16 year olds; modify the community college system to accept students who feel they no longer fit in high schools; consider establishing the "middle college" for at-risk students; hold schools accountable for student retention programs; and use an average daily attendance count when calculating reimbursement under the State School Aid Act; develop a system of enforcement and penalties for students who drop out early; fully integrate the 21st Century Skills Applied Learning Core; and require would-be dropouts to enroll in GED certificate programs.

Against:

The Mackinac Center for Public Policy questions whether raising the compulsory attendance age to 18 would result in higher graduation rates or foster higher achievement. Results are mixed. They note that "of the 10 states with the best graduation rates (based on 2001-02 data from the National Center for Education Statistics), only two (Utah and Wisconsin) compel attendance to the age of 18. Of the 10 states with the lowest graduation rates, one (New Mexico) mandates attendance to age 18..." Further, of the six countries scoring highest on the Program for International Student Assessment (PISA) mathematics exam in 2003, only one, The Netherlands, requires school attendance to the

age of 18. The others range from age 14 (Korea, Hong Kong, and Macao-China) to 16 (Canada, Finland, and Liechtenstein).

Against:

In the *Home School Court Report*, opponents of compulsory school attendance say "we need to re-establish the right of parents to decide when their children are ready to begin formal education and of young children to enjoy the brief years of childhood without the threat of government interventions. A shadow is cast across the joyful teaching of loving parents when education is no longer a natural product of their love for each other, but a product of state compulsion. The failure of the public school system and the success of home schooling demand that a thoughtful dialogue move forward on whether or not compulsory attendance laws should be retained."

Finally, some opponents of the bill question the constitutionality of the legislation, arguing that were it enacted into law, it would likely be challenged as infringing upon the parental right to educate children. They suggest an exemption for home, church, and private schools is therefore in order.

Response:

It should be noted that compulsory public school attendance does not apply if a child is being educated in an approved nonpublic school or is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. Michigan is reputed to have very permissive home schooling policies.

POSITIONS:

The Michigan Education Association supports the bills. (2-12-09)

The American Federation of Teachers-Michigan supports the bills. (2-12-09)

The Association of Michigan School Counselors supports the bills. (2-12-09)

The Michigan Association of School Boards supports the bills. (2-12-09)

Calhoun Intermediate School Districts supports the bills. (2-12-09)

Michigan's Charter Schools oppose the bills. (2-12-09)

Legislative Analyst: J. Hunault
Fiscal Analyst: Mary Ann Cleary
Bethany Wicksall

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.